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SEC

SERVICE DATE - SEPTEMBER 4, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42074

C&NC RAILROAD CORPORATION
v.
UNION PACIFIC RAILROAD COMPANY

Decided: August 29, 2003

On September 6, 2002, C&NC Railroad Corporation (C&NC)¹ filed an informal complaint with the Board seeking damages from Union Pacific Railroad Company (UP) pursuant to 49 CFR 1130.2. Based on the facts presented by C&NC, the informal complaint was dismissed in a decision served on May 19, 2003 (May 19 decision).

In a letter filed on May 28, 2003, C&NC informed the Board, that after additional research, the facts were not the same as originally presented in the informal complaint and that based on the new information it had reached a settlement with UP.² Accordingly, C&NC requests that the Board withdraw the May 19 decision. The May 19 decision will be vacated and the informal complaint dismissed.

It is ordered:

1. The May 19 decision in this proceeding is vacated and the informal complaint is dismissed.

¹ C&NC is a Class III common carrier that conducts rail service along a line of railroad between Connorsville and New Castle, IN.

² The settlement, reached prior to the May 19 decision, should have been brought to the Board's attention sooner.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary